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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,088	04/08/2004	Donald Mason	MASO-005	2214

7590

08/24/2005

Michael S. Neustel  
Suite No. 4  
2534 South University Drive  
Fargo, ND 58103

EXAMINER
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ARYANPOUR, MITRA

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/822,088	<b>Applicant(s)</b> MASON, DONALD	
	<b>Examiner</b> Mitra Aryanpour	<b>Art Unit</b> 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 14-17 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>08 April 2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11, 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Der Hoeven (5,425,691).

Regarding claim 1, Van Der Hoeven discloses an exercise system, comprising: a base (slipper top surface 76) usable by a user as a slide board (sliding web 50) in a sliding position; and a pair of platforms (half-shells 45, 46) positionable upon the base (76) in either a plyometrics position or a stepping box position. It should be noted that the preamble, *the hockey training system*, does not limit the structure of the claimed device because the portion of the claim following the preamble is a self-contained description of the structure and does not depend on the preamble for completeness.

Regarding claim 2, Van Der Hoeven shows the base (76) includes an outer perimeter defining a floor (see figure 7).

Regarding claims 3 and 4, Van Der Hoeven shows the floor (76) is comprised of a slipper material comprised of a plastic (see column 4, lines 33-40).

Regarding claims 5 and 6, Van Der Hoeven shows the pair of platforms (155, 156 in figure 20) each includes a pair of outer legs (the broadest reasonable interpretation of *outer legs* would include *rigid bumpers 153 and 154*) thereby angling the pair of platforms inwardly in a

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plyometrics position and the pair of platforms each includes a pair of inner legs to create a stepping box position (the broadest reasonable interpretation of *inner legs* would include *bottom walls 59*).

Regarding claim 7, Vander Der Hoeven shows the legs are attachable to the base by a plurality of pins (the broadest reasonable interpretation of pins would include groove structure 165; see column 6, lines 10-15) extending through the base and a lower end of the legs.

Regarding claim 8, Vander Der Hoeven shows the base (76) includes an outer perimeter defining a floor (see figure 1), a plurality of angled slots (see figure 20, not identified with a reference character) within an interior portion of the outer perimeter, and a pair of end members (153, 154) removably positionable within the angled slots for defining a sliding area upon the floor for a user performing a sliding exercise.

Regarding claim 9, Vander Der Hoeven shows the at least one cover member (the pair of platforms also act as covers see figures 13-15) positionable upon an upper portion of the base (76) for a user to stand upon and a shooting member (the sliding web 50 can also act as a shooting member) for allowing a user to practice shooting pucks upon while standing upon the at least one cover member.

Regarding claims 10 and 11, Vander Der Hoeven shows including at least one reserve unit having an opening (the pair of platforms can act as reserves or holders; see figures 13-15) positionable upon an end of the base (76), wherein the at least one reserve unit is designed to be used as storage.

Regarding claims 12 and 13, Vander Der Hoeven shows the at least one reserve unit (45 or 46) includes a curved portion (the base is curved shape (see figures 13, 14) connected to the

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side opening (see figure 12), and wherein Vander Der Hoeven shows the at least one reserve unit is comprised of a pair of reserve units (45 and 46) positionable upon opposing ends of the base (76).

Regarding claim 18, Vander Der Hoeven discloses a exercise system comprising: a base (76) usable by a user as a slide board (50) in a sliding position; at least one cover member (45 and/or 46) positionable upon an upper portion of the base (76) for a user to stand upon; and a shooting member (the sliding web 50 can also be used as a shooting member) for allowing a user to practice shooting hockey pucks upon while standing upon the at least one cover member (45 or 46).

Regarding claims 19 and 20, note the rejection of claims 12 and 13.

***Allowable Subject Matter***

3. Claims 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: a combination base being used as a slide board and a pair of platforms positionable on the base, at least one cover member positioned upon an upper portion of the base, a shooting member for allowing a user to practice shooting hockey pucks while standing upon the at least one cover and a net positionable at an end of the shooting member.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitra Aryanpour whose telephone number is 571-272-4405. The examiner can normally be reached on Monday - Friday 10:00 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 571-272-4415. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

16 August 2005



**MITRA ARYANPOUR**  
**PRIMARY EXAMINER**